(f) Instructions already exist regarding maintenance of liens in the parent cadre in such cases.

4363. *[Transferred to 27th August, 1993.]*

Mechanism for investigation of malpractices of Highly Placed Persons in Authority

4364. SHRI G. G. SWELL:
SHRI SUBRAMANIAN SWAMY:
SHRI CHIMANBHAI MEHTA:
SHRIMATI RENUKA CHOWDHURY:

Will the PRIME MINISTER be pleased to state:

(a) whether there is any mechanism, either legal or constitutional available to common man to get charges of corruption and malpractices investigated against highly placed persons in authority; if so, the details thereof; and if not, the reasons therefor;

(b) whether investigations have been conducted against Central Ministers and highly placed bureaucrats under the Commission of Inquiry Act, 1952 and if so, what was the outcome of these investigations;

(c) whether it is a fact that attempts to enact Lok Pal Bills failed four times in the past, if so, the details thereof; and

(d) whether Government are thinking/considering or planning to introduce a bill which may provide mechanism to any citizen to get malpractices of highly placed persons investigated?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): (a) Yes, Sir. Corruption charges can be investigated by the police under the provisions of the Criminal Procedure Code either on the basis of complaint or information derived by the Police. The Court can be also take cognizance of the charges of corruption on the basis of a complaint filed by a private person. There are provisions of law to govern the prosecution in such cases.

(b) Yes, Sir. However, it would not be possible to give details as under the Commission of Inquiry Act, 1952, a number of Commissions of Inquiry have been appointed by the appropriate Governments and the information is not Centrally monitored.

(c) Five attempts have so far been made by the Government in 1968, 1971, 1977, 1985 and 1989 to enact the Lok Pal Bill. Every time the Bill lapsed due to disolution of the Lok Sabha.

(d) Does not arise in view of reply as in (a) above.

Abortion Leave for women employees

4365. SYED SIBTEY RAZI: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that abortion leave has been permitted for 42 days to women employees of Government;

(b) whether grant of such leave is subject to some limit of number of children of women employees;

(c) whether grant of such leave is also subject to availing of this facility after some time of duration;

(d) if so, the details thereof;

(e) whether modern techniques do not permit abortion leave for 42 days rather these permit abortion leave for 7 days;

(f) whether Government propose to modify the existing instruction in view of (e) above; and

(g) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): (a) to (d) As per Rule 43 (3) of the CCS (Leave) Rules, maternity leave not exceeding six weeks is admissible to female Government servants (irrespective of number of surviving children) in case of mis-carriage including abortion on production of medical certificate. No duration has been prescribed between two spells of such leave.

(e) to (g) Request for maternity leave on abortion mis-carriage has to be supported by medical certificate. The question of modification of the rules in the light of modern techniques now available is receiving our attantion.

Reservation for handicapped persons in Promotion

4366. SHRI SHIV PRATAP MISHRA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that Government have issued orders for reservation for the physically handicapped in posts filled by promotion; and

(b) if so, the details thereof and whether these are applicable to the autonomous bodies and the public sector; and if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): (a) Yes, Sir. These orders are applicable to Group 'C' and 'D' posts under the Government of India.

(b) The details of the reservation are contained in Department of Personnel and Training O. M. No. 36035/8/89-Estt. (SCT), dated 20-11-89 a copy of which is enclosed as Statement (*See* below). In regard to autonomus bodies and Public Sector Undertakings, they are applicable provided separate orders are issued by the Ministries/Departments administratively concerned with such bodies/under takings.

Statement

No. 36035/8/89-Estt. (SCT)

Government of India

Ministry of Personnel, Public Grievances & Pensions,

Department of Personnel & Training

New Delhi, the 20 Nov., 1989.

OFFICE MEMORANDUM

Subject :—Reservation for the physically handicapped in posts filled by promotion.

The undersigned is directed to say that the Government has under consideration a proposal to introduce reservation in favour of the physically handicapped persons in posts filled by promotion. The matter has been examined and it has now been decided that when promotions are being made:

(i) Within Group 'D', (ii) From Group 'D' to Group 'C', and (iii) within Group 'C' reservation will be provided for the three categories of the physically handicapped persons namely, the visually handicapped, the hearing handicapped and the orthopaedically handicapped.

The applicability of the reservation, will, however, be limited to the promotions being made to those posts that are identified as being capable of being filled/held by the appropriate category of physically handicapped.

2. Each of the three categories of the physically handicapped persons will be allowed reservation at one percent each. Though the reservations will be effective only in those posts that are identified as being capable of being held by the appropriate category of the physically handicapped persons, the number of vacancies that will be reserved for the physically handicapped persons when promotions are being made to such identified posts will be computed by taking into account the total number of vacancies that arise for being filled by promotion in a recruitment year both in the non-identified as well as identified posts. If the appropriate category of the physically handcapped persons are not available in the feeder grade from which promotion is being made to the next higher grade of the identified posts then an *inter-se* exchang will be permitted subject to the condition that :

(i) the post to which promotion is to be made is one that can be held by the category of the physically handicapped persons available in the feeder grade; and

(ii) The reservation so exchanged is carried forward to the next three recruitment years after which the reservation shall lapse.

3. Ministry of Finance etc. are requested to give immediate effect to those orders.

(K. K. K. KARTHINANI)
Director

To;

All Ministries/Departments.